

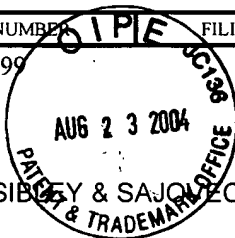


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/773,099	02/05/2004	James L. Lambert	9022-43

20792  
 MYERS BIGEL SIDLEY & AUSTIN LLP  
 PO BOX 37428  
 RALEIGH, NC 27627



CONFIRMATION NO. 3281

## FORMALITIES LETTER



\*OC000000012545419\*

Date Mailed: 05/06/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/24/2004 DTESSEM1 00000013 10773099

FILED UNDER 37 CFR 1.53(b)

02 FC:2001	385.00 OP
03 FC:2202	270.00 OP
04 FC:2201	43.00 OP
05 FC:2051	65.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$626** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1526** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.



- Total additional claim fee(s) for this application is **\$626**
  - **\$86** for **1** independent claims over 3.
  - **\$540** for **30** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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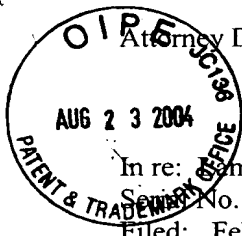
*A copy of this notice **MUST** be returned with the reply.*

DSH

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Attorney Docket No. 9022-43

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lambert et al.

Confirmation No.: 3281

Serial No.: 10/773,099

Group Art Unit: 3737

Filed: February 5, 2004

For: NON-INVASIVE IN VIVO MEASUREMENT OF MACULAR CAROTENIDS

August 19, 2004

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application-Filing Date Granted (PTO-1533), mailed May 6, 2004, enclosed is a Declaration and Power of Attorney for the above-identified application, which has been executed by the named inventor. Also enclosed herewith are an Information Disclosure Statement and Petition for Extension of Time.

**Applicant hereby claims small entity status in accordance with 37 C.F.R. 1.27.** A check in the amount of \$973.00 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e), the statutory basic filing fee, the additional claim fee and the extension of time fee. The Commissioner is hereby authorized to charge any deficiency, or credit any refund, to our Deposit Account No. 50-0220.

Respectfully submitted,

Laura M. Kelley

Registration No. 48,441

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Customer No. 20792

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 19, 2004.

Carey Gregory